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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,830	01/05/2004	Kei Yasuda	2003_1926A	4067

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

MONIKANG, GEORGE C

ART UNIT	PAPER NUMBER
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2615

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,830

Applicant(s)

YASUDA ET AL.

Examiner

George C. Monikang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/750830.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/5/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal, US Patent 5,528,673, in view of Chou et al, US Patent 6,686,839 B2.

Re Claim 1, Rosenthal discloses an apparatus operating system including at least two apparatuses which provide output of the same type (col. 3, lines 66 through col. 4, line 3), and a control server capable of communicating with each apparatus (fig. 4: I/O ports), wherein each apparatus includes a communication section for transmitting to the control server a notification signal indicative of a pending change or a change in an output state of the apparatus (col. 3, lines 56-65), and wherein the control server includes: a control rule storage section having stored therein a control rule which associates an output state of one apparatus with an output state to be taken by another

apparatus when said one apparatus is in said output state (fig. 4: RAM, PROGRAM MEMORY etc; col. 3, lines 66 through col. 4, line 3); a determination section for receiving the notification signal from any one of said at least two apparatuses (col. 3, lines 56-65; col. 4, lines 10-20), and in response to the notification signal, determining the output state to be taken by an operation target apparatus which is other than an apparatus having transmitted the notification signal (col. 3, lines 56-65; col. 4, lines 10-20), based on the control rule; and an operating section for operating the operation target apparatus so as to transition into the output state determined by the determination section (col. 3, lines 56-65; col. 4, lines 10-20); but fails to disclose a location-related information acquiring section for acquiring location-related information which is set in association with a location of each apparatus. However, Chou et al does (fig. 1: 140; col. 1, lines 35-43).

Taking the combined teachings of Rosenthal and Chou et al as a whole, one skilled in the art would have found it obvious to modify the an apparatus operating system including at least two apparatuses which provide output of the same type (col. 3, lines 66 through col. 4, line 3), and a control server capable of communicating with each apparatus (fig. 4: I/O ports), wherein each apparatus includes a communication section for transmitting to the control server a notification signal indicative of a pending change or a change in an output state of the apparatus (col. 3, lines 56-65), and wherein the control server includes: a control rule storage section having stored therein a control rule which associates an output state of one apparatus with an output state to be taken by another apparatus when said one apparatus is in said output state (fig. 4: RAM; col.

3, lines 66 through col. 4, line 3); a determination section for receiving the notification signal from any one of said at least two apparatuses (col. 3, lines 56-65; col. 4, lines 10-20), and in response to the notification signal, determining the output state to be taken by an operation target apparatus which is other than an apparatus having transmitted the notification signal (col. 3, lines 56-65; col. 4, lines 10-20), based on the control rule; and an operating section for operating the operation target apparatus so as to transition into the output state determined by the determination section (col. 3, lines 56-65; col. 4, lines 10-20) of Rosenthal with a location-related information acquiring section for acquiring location-related information which is set in association with a location of each apparatus as taught in Chou et al (fig. 1: 140; col. 1, lines 35-43) so that the sound level of an apparatus can automatically be lowered upon the output sound from another apparatus.

Re Claim 2, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 1, wherein each apparatus outputs sound, and the output state corresponds to a level of sound outputted from the apparatus (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 3, which further recites, "The apparatus operating system according to claim 1, wherein each apparatus is an air-conditioning and/or heating apparatus, and the output state corresponds to a temperature set by the apparatus." Rosenthal and Chou et al do not explicitly disclose the output state corresponding to a temperature as claimed. Official notice is taken that both the concept and advantages of providing the output state corresponding to a temperature is well known in the art. It would have been

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obvious to modify the system to control temperature since the audio determination can be changed to a temperature determination for the benefit of controlling the temperature in a room when multiple appliances are operating.

Re Claim 4, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 1, wherein the communication section transmits the notification signal when there is a pending increase or an increase of output of the apparatus (col. 3, lines 56-65; col. 4, lines 10-20), wherein the control rule associates the increase of the output of the apparatus with a reduction of output of another apparatus (col. 3, lines 56-65; col. 4, lines 10-20), and wherein the determination section determines the output state of the operation target apparatus so as to reduce output of the operation target apparatus (col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 5, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 1, wherein the determination section derives from the location-related information a distance between the apparatus having transmitted the notification signal and the operation target apparatus (Chou et al, col. 2, lines 7-15), and if the derived distance is equal to or more than a predetermined distance (Chou et al, col. 2, lines 7-15), the determination section determines not to change the output state of the operation target apparatus (Chou et al, col. 2, lines 7-15; if the microphone is not within the predetermined location, one will not be able to detect the noise location).

Re Claim 6, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 1, wherein the communication section transmits the notification signal when the user has performed an operation of changing the output state of the apparatus (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 7, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 6, wherein the communication section transmits the notification signal in the case where the output state of the apparatus temporarily changes for a predetermined time period (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), wherein the apparatus operating system further includes a state storage section for storing a pre-operation output state of the operation target apparatus (fig. 4: PROGRAM MEMORY), and wherein the operating section operates the operation target apparatus such that the operation target apparatus transitions into the output state determined by the determination section (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), and after a lapse of the predetermined time period (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), the operating section operates the operation target apparatus such that the operation target apparatus transitions into the output state stored in the state storage section (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 8, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 1, wherein the control rule associates an output state to be taken by the apparatus with a condition for operating the apparatus so as to transition into said output state (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), wherein the control server further includes a determination section which uses the

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location-related information (Chou et al, fig. 1: 140; col. 1, lines 35-43) to determine whether the condition is satisfied (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), and wherein the operation executing section operates the operation target apparatus only when the determination section determines that the condition is satisfied (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Claims 9-11 have been analyzed and rejected according to claim 1.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Monikang whose telephone number is 571-270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George Monikang

6/21/2007


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000